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| APPLICATION NO.                        | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/687,891                             | 10/17/2003  | Donnie McGrath       | McGrath             | 9790             |
| 7590 03/13/2006                        |             |                      | EXAMINER            |                  |
| O'CONNOR CHRISTENSEN & McLAUGHLIN, LLP |             |                      | MAI, TRI M          |                  |
| Suite 150                              |             |                      | ART UNIT            |                  |
| 1920 Main Street                       |             |                      | PAPER NUMBER        |                  |
| Irvine, CA 92614                       |             |                      | 3727                |                  |

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

**Office Action Summary**

Application No.

10/687,891

Applicant(s)

MCGRATH, DONNIE

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/19/05</u> . | 6) <input type="checkbox"/> Other: ____  |

### **DETAILED ACTION**

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the snap fasteners in claims 3 and 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claims 2, and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term “Velcro” does not comply with the requirements of the 35 U.S.C. 112, second paragraph. *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain

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since the trademark or trade name cannot be used properly to identify any particular material or product. In fact, the value of a trademark would be lost to the extent that it became descriptive of a product, rather than used as an identification of a source or origin of a product. Thus, the use of a trademark or trade name in a claim to identify or describe a material or product would not only render a claim indefinite, but would also constitute an improper use of the trademark or trade name.

3. Claims 1, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Wiedemann (954840). Wiedemann teaches a sheet with at least two adjacent protrusions 24 with the first part of a detachable mechanism and the second parts of the detachable connection on the second edge, and a holding mechanism 23.

Regarding claim 5, note leather (col. 2, ln. 78).

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiedemann in view of Matsuyama et al. (3942636). It would have been obvious to one of ordinary skill in the art to provide hook and loop fasteners in Wiedemann as taught by Matsuyama to provide alternative fasteners

5. Claims 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiedemann in view of Wunderlich (1729318). It would have been obvious to one of ordinary skill in the art to provide snap fasteners as taught Wunderlich to provide alternative fastening means.

Regarding claim 4, it would have been obvious to one of ordinary skill in the art to provide three protrusions as taught by Wunderlich to provide added security.

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6. Claims 1-2, 5, 6, 8, 9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuyama et al. (3942636). Matsuyama teaches a sheet with at least two adjacent protrusions 3a with the first part of a detachable mechanism and the second parts of the detachable connection on the second edge at 3b, and a holding mechanism 5a. Note that it is an intended use to roll the device of Matsuyama around a cylindrical object.

Regarding claim 6, note the two straps of Matsuyama being formed a continuous surface with the sheet.

Regarding claim 5, note plastic (col. 1, ln. 47).

7. Claims 3, 4, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuyama in view of Wunderlich (1729318). It would have been obvious to one of ordinary skill in the art to provide snap fasteners as taught Wunderlich to provide alternative fastening means.

8. Claims 1, 2, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kirsch (5352007). Kirsch teaches a sheet with two protrusions 14A on a first edge (the protrusion formed by the slits 18A, 19A) and the detachable mechanism as claimed.

9. Claims 6, 8, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirsch in view of either Matsuyama or Alane (6640359). It would have been obvious to one of ordinary skill in the art to provide protrusions protruding from the first edge as taught by either Matsuyama or Alane to provide more rooms to accommodate more contents and/or to provide an alternative fastening means.

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10. Claims 3, 4, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirsch in view of Wunderlich (1729318). It would have been obvious to one of ordinary skill in the art to provide snap fasteners as taught Wunderlich to provide alternative fastening means.

Regarding claim 4, it would have been obvious to one of ordinary skill in the art to provide three protrusions as taught by Wunderlich to provide added security.

11. Claims 1, and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Harr (D366958). Harr teaches a sheet with two protrusions 14A on a first edge (the protrusion formed by the slits 18A, 19A) and the detachable mechanism as claimed.

12. Claims 2-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harr in view of either Matsuyama or Alane (6640359). It would have been obvious to one of ordinary skill in the art to provide protrusions protruding from the first edge as taught by either Matsuyama or Alane to provide an alternative fastening means construction.

Regarding claim 2, to the degree it is argued that the fastening mechanism in Harr is not hook and loop fasteners. It would have been obvious to one of ordinary skill in the art to provide hook and loop fastening means in Harr as taught by either Matsuyama or Alane to provide the appropriate fastening means.

Regarding claim 3, it would have been obvious to one of ordinary skill in the art to provide snap fastening mechanism since snap fastening is a well known equivalent to hook and loop fastening means.

Regarding claim 4, it would have been obvious to one of ordinary skill in the art to provide three protrusions to provide added security since duplicate parts for a multiplied effect is

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within one of ordinary skill in the art (St. Regis Paper Co. v. Bemis Co., Inc.)193 USPQ 8, 11 (7th Cir. 1977).

Regarding claim 5, it would have been obvious to one of ordinary skill in the art to make the sheet from one of the material as taught by either Matsuyama or Alane to provide the desired material.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai   
Primary Examiner  
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